



PATENT
ATTORNEY DOCKET NO. 041094-5028

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------------|---|----------------------------|
| In re Application of: |) | |
| |) | |
| Ryosaku NAKATA |) | Confirmation No. 9228 |
| |) | |
| Application No.: 10/538,080 |) | Group Art Unit: 2836 |
| |) | |
| Filed: October 25, 2005 |) | Examiner: S. Bauer |
| |) | |
| For: DEVICE FOR PROTECTION |) | |
| FROM THUNDER (As Amended) |) | Mail Stop Amendment |

Commissioner for Patents
U.S. Patent and Trademark Office
Mail Stop Amendment
Alexandria, VA 22314

Sir:

AMENDMENT

In response to the Office Action dated May 5, 2006, the period for reply which extends through August 5, 2006, please amend the above-identified application as follows:



IAP7 Rec'd PCT/PTO 28 JUL 2006

PCT

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| For: DEVICE FOR PROTECTION |) | Mail Stop Amendment |
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U.S. Patent and Trademark Office
Customer Window, **Mail Stop Amendment**
Randolph Building
Alexandria, VA 22314
Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment responding to the Office Action dated May 5, 2006.
2. Additional papers enclosed:
 - ☐ Drawings: ☐ Formal ☐ Informal (Correction)
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449, _____ references included
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u> | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|---------------------------------------|--------------------------|-------------------------------|
| <input type="checkbox"/> one month | \$ 120.00 | \$ 60.00 |
| <input type="checkbox"/> two months | \$ 450.00 | \$ 225.00 |
| <input type="checkbox"/> three months | \$ 1,020.00 | \$ 510.00 |
| <input type="checkbox"/> four months | \$ 1,590.00 | \$ 795.00 |

Extension of time fee due with this request: \$_____

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED | | | | | | |
|---|---|-------|--------------------------------|------------------|---------------|------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid | Present Extra | at Rate of | Total Fees |
| Total Claims (37 C.F.R. §1.16(c)) | 6 | minus | 20 | 0 | x \$50 each= | + \$0.00 |
| Independent Claims (37 C.F.R. §1.16(b)) | 2 | minus | 3 | 0 | x \$200 each= | + \$0.00 |
| [X] First presentation of Multiple dependent claim(s) | | | | | \$360.00 | + \$360.00 |
| SUB-TOTAL = | | | | | | \$ |
| Reduction by ½ for filing by a small entity | | | | | | - \$ |
| TOTAL FEE = | | | | | | \$ 360.00 |

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge the total fee due of \$360.00 to Deposit Account 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

08/02/2006 GFREY1 00000091 500310 10538080

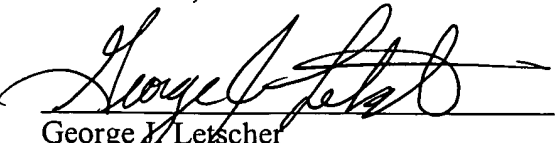
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Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: July 28, 2006

By:


George J. Letscher
Reg. No. 58,566

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